

-10-

REMARKS

The Examiner has objected to the claims. Such objection is deemed overcome by virtue of the clarifications made to the claims hereinabove.

The Examiner has rejected Claims 1-39 under 35 U.S.C. 102(e) as being anticipated by Makita, U.S. Patent Application Publication No.: 2001/0007120. Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove. Specifically, the subject matter of Claims 3, 8-9 et al. has been incorporated into each of the independent claims.

In the latest action, the Examiner relies on the following excerpt from Makita to meet applicant's claimed "wherein a user is allowed to disable the scanning module, and data is precluded from being transmitted from the storage to the central processing unit upon the disabling of the scanning module" (see subject matter of former Claims 8-9 et al., now incorporated into each of the independent claims).

"[0057] According to the present invention, the operation of the formatting function can be freely set by the user.

[0058] According to the present invention, since the operation of the formatting function can be set from the host computer, the user can set the operation of the formatting function freely and easily."

The Examiner goes on to argue that "[t]he primary reference discloses the use of disabling the content scanning, or "formatting function," in the paragraph referenced above" and that "if the user does not set the operation of the formatting function, formatting data, or content data, is precluded from being transmitted from the storage to the cpu."

Applicant respectfully disagrees with this assertion. First, applicant's claimed "scanning" is in no way met by any sort of "format function," suggested by Matika. Applicant has called further attention to this differentiation by amending the claims to

-11-

emphasize that the scanning is for "malicious code." Only applicant teaches and claims the specific manual disabling of a malicious code scanner, in the manner claimed, so that scanning may be disabled, per the desires of the user. Further, in such situation, data is precluded from being transmitted from the storage to the central processing unit, etc., for security purposes.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Matika reference, especially in view of the amendments made hereinabove. To this end, all of the pending independent claims are deemed allowable, along with any dependent claims depending therefrom. A notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

It is further noted that the Examiner's rejection of applicant's dependent claims is replete with deficiencies. Just by way of example, the Examiner relies on the following excerpt from Matika to make a prior art showing of applicant's claimed, "wherein the storage subsystem controller is coupled to a storage driver which is coupled to the central processing unit" (see Claim 4 et al.).



-13-

Whether the Examiner's assertion is true or not, there is simply no "disabling of the scanning module" in response to an event.

In fact, it would further be *unobvious* in view Matika to provide such a feature, since, in view of Matika's teachings, the system thereof would be vulnerable to further attack (because no more scanning would take place). In sharp contrast, applicant teaches and claims a technique whereby data is precluded from being transmitted from the storage to the central processing unit upon the disabling of the scanning module (see this or similar language in all of the independent claims). Thus, this feature is not only unique, but would be *unobvious* in view of the teaching of Matika.

Again, the anticipation criterion has simply not been met by the Matika reference, especially in view of the amendments made hereinabove. A notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings the Examiner's attention to the following subject matter in the added dependent claims, for full consideration:

"wherein the user includes a remote administrator" (see Claim 40);

"wherein the user is allowed to disable the storage, and the data is precluded from being transmitted to the storage from the central processing unit upon the disabling of the storage" (see Claim 41); and

"wherein it is determined whether the storage is disabled only after determining whether the scanning module is disabled" (see Claim 42); and

"wherein the disabling and enabling of the storage and the scanning module provides increased functionality in conditionally precluding transmission of the data to the storage from the central processing unit" (see Claim 43).

-14-

Again, a notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. Applicants are enclosing a check to pay for the added claims. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P020).

Respectfully submitted,  
Zilka-Kotab, PC

Kevin J. Zilka  
Registration No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
408-505-5100